

# ATLANTA CITY COUNCIL

## ACTION/MINUTES

### MARCH 01, 2010

The Atlanta City Council held its Regularly Scheduled Meeting on Monday, March 01, 2010. The Meeting convened at 1:14 p.m. in the Council Chambers at City Hall. The roll was called and a quorum was declared.

**PRESIDER (S):** The Honorable Council President Ceasar C. Mitchell presided. The Honorable Council President Pro Tempore Howard Shook presided during a portion of the meeting.

**Attendance:**

The following (15) voting members were present at the Meeting:

<b>The Honorable Carla Smith</b>	<b>The Honorable Felicia A. Moore</b>
<b>The Honorable Kwanza Hall</b>	<b>The Honorable C. T. Martin</b>
<b>The Honorable Ivory L. Young, Jr.</b>	<b>The Honorable Keisha Lance Bottoms</b>
<b>The Honorable Cleta Winslow</b>	<b>The Honorable Joyce Sheperd</b>
<b>The Honorable Natalyn Archibong *2:32</b>	<b>The Honorable Michael J. Bond *1:49</b>
<b>The Honorable Alex Wan</b>	<b>The Honorable Aaron Watson</b>
<b>The Honorable Howard Shook</b>	<b>The Honorable H. Lamar Willis</b>
<b>The Honorable Yolanda Adrean</b>	

**\*Arrival Time:** - indicates arrival after convening roll call.

**INVOCATION:** Chaplain Carolyn McDuffie of the Atlanta Fire Department Chaplaincy Program gave the invocation.

**PLEDGE OF ALLEGIANCE:** In unison, Lead by Councilmember C. T. Martin, the Council recited the Pledge of Allegiance to the flag of the United States of America.

**REPORT OF THE JOURNAL:** Rhonda Dauphin Johnson, Municipal Clerk, certified to the Council and the Committee on Council that the **Action/Minutes** of the **February 15, 2010** Regular Meeting are true and correct. The Minutes were **FILED** without objection.

**ADOPTION OF AGENDA:** The Motion to Adopt the Agenda was moved and properly Seconded. The Motion then CARRIED by a roll call vote of 11 yeas; 0 nays.

# **COMMUNICATIONS**

Council President Ceasar C. Mitchell Presided

**COMMUNICATIONS**

- 10-C-0412 ( 1) A Communication by **Chief Procurement Officer Adam L. Smith** submitting the February 2010 Monthly Contracts Report to the Atlanta City Council and Clerk of Council pursuant to Section 2-1142 of the Atlanta City Code of Ordinances.  
**FILED WITHOUT OBJECTION**
- 10-C-0413 ( 2) A Communication by **City Auditor Leslie Ward** submitting the Performance Audit: Implementation of Audit Recommendations Report.  
**REFERRED TO FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**
- 10-C-0414 ( 3) A Communication by **Councilmembers Natalyn M. Archibong, District 5; Alex Wan, District 6; Howard Shook, District 7; Yolanda Adrean, District 8 and Aaron Watson, Post 2 At-Large** re-appointing Mr. Dan C. White as a member of the Tree Conservation Commission. This appointment is for a term of two (2) years, to begin retroactively on May 16, 2009 and expires May 16, 2011.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION**
- 10-C-0416 ( 4) A Communication by **Councilmembers Howard Shook, District 7; Yolanda Adrean, District 8 and Aaron Watson, Post 2 At-Large** appointing Mark A. Reece as a member of the Zoning Review Board for a term of two (2) years, scheduled to begin on the date of Council confirmation.  
**REFERRED TO ZONING COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION**
- 10-C-0504 ( 5) A Communication by **Councilmembers Keisha Lance Bottoms, District 11; Joyce M. Sheperd, District 12 and H. Lamar Willis, Post 3 At-Large** appointing Mr. Robert E. Reed to serve as a member of the Urban Design Commission. This appointment is for a term of three (3) years, scheduled to begin on the date of Council confirmation.  
**REFERRED TO COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AND COMMITTEE ON COUNCIL WITHOUT OBJECTION**

## **VETOED LEGISLATION**

**Council President Ceasar C. Mitchell Presided**

**VETOED LEGISLATION**

**NONE**

## **UNFINISHED BUSINESS**

**Council President Ceasar C. Mitchell Presided**

**UNFINISHED BUSINESS**

**NONE**

# **CONSENT AGENDA SECTION I**



Council President Cesar C. Mitchell Presided

**CONSENT AGENDA**

There will be no separate discussion of these items. If discussion on any item is desired, the item will be removed from the Consent Agenda and will be considered separately per Rules for the Conduct of Business of the Council of the City of Atlanta (As Amended), Rule XI; Order of Business, SECTION 11.2; Consent Agenda.

The following CONSENT AGENDA SECTION I received a Favorable Recommendation and was Adopted in accordance with Section 11.2 by the following roll call vote: **11 Yeas:** Councilmembers Smith, Young, Winslow, Wan, Shook, Adrean, Moore, Bottoms, Sheperd, Watson and Willis: **0 Nays.**

**SECTION I**

**ORDINANCES FOR SECOND READING**

**TRANSPORTATION COMMITTEE**

**KEISHA LANCE BOTTOMS, VICE-CHAIR**

- 10-O-0275 (1) An Ordinance by **Transportation Committee** to convert Lucy Street, SE between Jackson Street, SE and Todd Street, SE from a Two-Way to a One-Way Street; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0276 (2) An Ordinance by **Transportation Committee** to make the intersection of Adair Avenue, NE and Todd Street, NE an All-Way Stop; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0277 (3) An Ordinance by **Transportation Committee** to make the intersection of Church Street, NW and Longley Avenue, NW an All-Way Stop; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0278 (4) An Ordinance by **Transportation Committee** to make the intersection of Church Street, NW and Tilden Street, NW an All-Way Stop; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0279 (5) An Ordinance by **Transportation Committee** to make the intersection of Gaskill Street, SE and Estoria Street, SE an All-Way Stop; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**ORDINANCES FOR SECOND READING (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE**

**YOLANDA ADREAN, CHAIR**

- 10-O-0289 (6) An Ordinance by **Finance/ Executive Committee** to authorize the Chief Financial Officer to transfer excess revenues and decrease the anticipations for the 2009 General Fund Budget and release the Restricted Reserves in order to do an accounting closeout of the Fiscal Year 2009.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0290 (7) An Ordinance by **Finance/ Executive Committee** to amend the Fiscal Year 2010 (Atlanta BeltLine Fund) Budget by adding to anticipations and appropriations Net Reoffering and Bond Issuance Proceeds in the amount of \$78,389,105.74 for the City of Atlanta BeltLine Tax Allocation Bonds Series 2008A, the City of Atlanta BeltLine Tax Allocation Bonds Series 2008B, the City of Atlanta BeltLine Tax Allocation Bonds Series 2008C, the City of Atlanta BeltLine Tax Allocation Bonds Series 2009B, the City of Atlanta BeltLine Tax Allocation Bonds Series 2009C; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0291 (8) An Ordinance by **Finance/ Executive Committee** authorizing the Mayor to enter into Amendment Agreement No. 11 for FC-6004007863, Customer Information and Billing System and Off-Site Billing Services, with Systems and Software, Inc. ("S&S") to waive Article X, Division 4, Section 2-1188 of the City of Atlanta's Procurement Code to extend the term of the contract for an additional eighteen (18) months on behalf of the Department of Watershed Management for time-only; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-O-0292 (9) An Ordinance by **Finance/ Executive Committee** authorizing the Mayor to enter into Renewal Agreement No. 1 for FC-4718B, Annual Contract for Small Water Meters for the Bureau of Drinking Water with Kemi Construction, Inc. on behalf of the Department of Watershed Management/ Bureau of Drinking Water for time-only; to waive Article X, Sec. 2-1188. Competitive Sealed Bidding of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

Council President Cesar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**ORDINANCES FOR SECOND READING (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

10-O-0293 (10) An Ordinance by **Finance/Executive Committee** authorizing the Mayor or his designee to waive the application of the Sole Source Selection Methods prescribed in the Atlanta City Code, Article X, the Procurement and Real Estate Code, and authorizing the Mayor or his designee to ratify the prior provision of leased equipment under the Master Lease Agreement with Dell Marketing, LLP for Desktop and Laptop Computers and to exercise the purchasing option of Leased Numbers 37371 and 37902 for Desktop and Laptop Computers on behalf of the Department of Information Technology in an amount not to exceed \$82,609.09; all contracted work shall be charged to and paid from the FDOA Numbers listed.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;  
0 NAYS**

10-O-0294 (11) An Ordinance by **Finance/Executive Committee** authorizing the Mayor or his designee to waive the application of the Atlanta City Code, Article X, the Procurement and Real Estate Code, and authorizing the Mayor or his designee to ratify the prior provision of leased equipment under the Master Lease Agreement with Dell Marketing, LLP and to remit payment for the lease of 140 Dell Optiplex Computers and 15 Dell Latitude Laptop Computers on behalf of the Department of Information Technology in an amount not to exceed \$74,568.43; all contracted work shall be charged to and paid from the FDOA Numbers listed.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;  
0 NAYS**

10-O-0296 (12) An Ordinance by **Finance/Executive Committee** authorizing the Mayor or his designee to waive the application of the Atlanta City Code, Article X, the Procurement and Real Estate Code, and authorizing the Mayor or his designee to ratify the prior provision of Renewal Option Number One (1) of the Five-year E-Business Suite Software Licenses, Support and Maintenance Agreement with Oracle USA, Inc. and exercise Renewal Option Number Two (2) with Oracle USA, Inc., E-Business Suite Software Licenses, Support and Maintenance for Contract Numbers 2710958 and 2086579 utilizing State of Georgia Contract # GS-35F-0009T on behalf of the Department of Information Technology in an amount not to exceed \$964,867.18; all contracted work will be charged to and paid from the FDOA Numbers listed.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;  
0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**ORDINANCES FOR SECOND READING (CONT'D)**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**  
**JOYCE SHEPERD, CHAIR**

- 10-O-0241 (13)      An Ordinance by **Community Development/ Human Resources Committee** amending the 2010 (Community Development Fund) Budget by adding to anticipations and transferring appropriations in the amount for \$72,961.96 from Project Closeouts for the purpose of funding CD-8\*\*, Parks Flood Repair Program; correcting errors in Various Administrative Accounts; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**  
**IVORY L. YOUNG, JR., CHAIR**

- 10-O-0307 (14)      An Ordinance by **Councilmembers C. T. Martin, H. Lamar Willis, Kwanza Hall, Ivory L. Young, Jr. and Aaron Watson as Substituted by Public Safety and Legal Administration Committee** to amend Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia (entitled "Pretrial Diversion Fee") so as to clarify the General Fund uses for which the fees shall be allocated; to waive conflicting ordinances; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE**  
**OF 11 YEAS; 0 NAYS**

**RESOLUTIONS**

**FINANCE/ EXECUTIVE COMMITTEE**  
**YOLANDA ADREAN, CHAIR**

- 10-R-0334 (1)      A **Substitute** Resolution by **Finance/ Executive Committee** authorizing the Mayor to execute an amendment to the Concessions Lease Agreement with Georgia Lottery Corporation to operate a Georgia State Lottery Concession at Hartsfield-Jackson Atlanta International Airport in accordance with City of Atlanta Code Section 2-1191 "Sole Source Procurement"; and for other purposes.  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE**  
**OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

10-R-0335 ( 2)      A **Substitute** Resolution by **Finance/Executive Committee** authorizing the Chief Procurement Officer to utilize GSA Contract #GS-35F-0742N for the purchase of Maintenance and Support for the Websense Software Application from Covetrix, Inc., in an amount not to exceed \$33,576.78. The Maintenance and Support will be charged to and paid from the FDOA Numbers listed; and for other purposes.

**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-R-0390 ( 3)      A Resolution by **Councilmembers Howard Shook, Felicia A. Moore, Yolanda Adrean, H. Lamar Willis, Alex Wan, C. T. Martin and Aaron Watson** requesting that the Administration propose options to the City Council for elimination of deficits to the Capital Finance, Solid Waste, E-911 and Underground Atlanta Enterprise Funds; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-R-0395 ( 4)      A Resolution by **Councilmember Joyce M. Sheperd** authorizing the Mayor to execute the First Amendment to the Intergovernmental Agreement between the City of Atlanta and the McPherson Planning Local Redevelopment Authority, Inc., in order to extend the Intergovernmental Agreement term to April 20, 2010 from February 20, 2010, so as to permit the completion of the Re-Zoning Work relating to Fort McPherson, which is being fully funded by a grant from the United States Office of Economic Adjustment; to authorize the Mayor to further extend said Intergovernmental Agreement by an additional four (4) months (Subject to availability of funds thereof); and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-R-0407 ( 5)      A Resolution by **Finance/ Executive Committee** to authorize the Chief Financial Officer to establish a Trust Fund Account, on behalf of the Department of Executive Offices for the purpose of accepting donations for Census Outreach efforts within the City of Atlanta; and for other purposes.

**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (CONT'D)**

**YOLANDA ADREAN, CHAIR**

- 10-R-0411 ( 6)      A Resolution by **Finance/Executive Committee** to amend previously adopted Resolution 09-R-2016, authorizing the Mayor to execute an appropriate agreement for FC-4971 with Resurgens Risk Management/ Willis, on behalf of the Department of Finance to provide Insurance Placement Services and Risk Management Consulting Services to the City of Atlanta; in a total amount charged to the General Fund that is not to exceed \$360,000.00 over the three year term of the contract and at a fixed rate of .00175 X total construction charged to the Department of Aviation for the three year term of the contract, subject to an annual minimum of \$150,000.00; all contracted work shall be charged to and paid from the FDOA Numbers listed.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

**JOYCE SHEPERD, CHAIR**

- 10-R-0394 ( 7)      A Resolution by **Councilmember Alex Wan** authorizing the Bureau of Planning to change the Lot Dimensions on the City of Atlanta Cadastral Map for an improved Legal, Non-Conforming Lot at 934 Adair Avenue; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0396 ( 8)      A Resolution by **Councilmembers Joyce M. Sheperd, Aaron Watson, Alex Wan, Keisha Lance Bottoms, Natalyn M. Archibong, C. T. Martin, Michael Julian Bond, Clela Winslow, H. Lamar Willis, Ivory Lee Young, Jr., Carla Smith, Kwanza Hall, Howard Shook and Yolanda Adrean** to support House Bill 1173 to provide for Vacant Property Registration that is presently before the Georgia General Assembly; and for other purposes.  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with favorable recommendations:**

- 10-R-0338 (1) Claim of **Sylvester Jones**, through his attorney, **Sheryl L. Burke**, for damages alleged to have been sustained as a result of an automobile accident on October 19, 2009 at 1967 Browns Mill Road, SE. **\$7,900.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0339 (2) Claim of **Tremayne McReynolds**, through her attorney, **Precious Anderson-Scott**, for damages alleged to have been sustained as a result of a trip and fall in an uncovered water meter on July 15, 2008 at 277 Pharr Road, NE. **\$6,500.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0340 (3) Claim of **Gail Lipscomb**, through her attorney, **Jeffery R. Nabors, Esq.**, for bodily injuries alleged to have been sustained due to an automobile accident on July 31, 2009 at Memorial Drive, SE and Bill Kennedy Way. **\$6,000.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0341 (4) Claim of **Pamela M. Yarbrough**, for damages alleged to have been sustained as a result of a sewer backup on September 13, 2009 at 2870 Ridge Valley Road. **\$3,771.43**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0342 (5) Claim of **Janice Boyd Neal**, for damages alleged to have been sustained as a result of an automobile accident on July 17, 2009 on I-20 eastbound. **\$3,245.25**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0343 (6) Claim of **Permanent General Companies, Inc.**, as subrogee of **Gaynell P. Simon**, for vehicular damages alleged to have been sustained from an automobile accident on September 20, 2009 at Martin L. King, Jr. Drive, NW. **\$2,212.74**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with favorable recommendations: (Cont'd)**

- 10-R-0344 (7) Claim of **Progressive Insurance Company**, as subrogee of **Terry Jackson**, for damages alleged to have been sustained as a result of a vehicular accident on November 15, 2009 at Memorial Drive at Grant Street. **\$1,896.71**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0345 (8) Claim of **Cassandra Denson**, for damages alleged to have been sustained as a result of a sewer backup on June 12, 2008 at 1445 Harbin Road, SW. **\$1,879.57**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0346 (9) Claim of **Christopher E. Johnson**, for damages alleged to have been sustained as a result of striking a pothole on November 7, 2009 at 3065 Brownsmill Road. **\$1,867.25**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0347 (10) A **Substitute** Claim of **David Locker**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road. **\$1,687.95**  
**ADOPTED SUBSTITUTE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0348 (11) Claim of **Eric Estroff**, for damages alleged to have been sustained as a result of driving over a failed construction cut on December 6, 2009 at 2115 Monroe Drive. **\$1,386.81**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0349 (12) Claim of **Jules Zigah**, for damages alleged to have been sustained as a result of driving over a recessed manhole on October 24, 2009 at 650 Ponce de Leon Avenue. **\$1,190.25**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**



Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with favorable recommendations: (Cont'd)**

- 10-R-0350 (13) Claim of **Constance Brownlow**, for damages alleged to have been sustained as a result of striking a recessed water valve in the roadway on October 19, 2009 at 2125 Joseph E. Boone Boulevard. **\$1,135.69**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0351 (14) Claim of **Timothy Dunlap**, for damages alleged to have been sustained as a result of an automobile accident on November 30, 2009 at 880 Cherokee Avenue, SE. **\$875.40**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0352 (15) Claim of **Chance Hindman**, for damages alleged to have been sustained as a result of striking a vehicle with a Herbie Curbie on October 29, 2009 at 1200 Monroe Drive. **\$814.09**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0353 (16) Claim of **Nicholas Bristow**, for damages alleged to have been sustained as a result of striking a damaged water manhole on December 1, 2009 at 718 Ponce de Leon Avenue, NE. **\$700.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0354 (17) Claim of **Lachlan B. Butcher**, for damages alleged to have been sustained as a result of an automobile accident on June 7, 2009 at Forsyth Street, SW and Trinity Avenue, SW. **\$574.50**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**
- 10-R-0355 (18) Claim of **Vincent R. Sims, Jr. and Michelle T. Sims**, for damages alleged to have been sustained as a result of striking a pothole on November 18, 2009 at 3065 Brownsmill Road. **\$550.00**  
**ADOPTED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS;**  
**0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations:**

- 10-R-0356 (19)      Claim of **Terrance J. Johnson**, through his attorney, **James R. Hodges, Esq.**, for damages alleged to have been sustained from an arrest on January 1, 2009 at 2424 Piedmont Road, NE.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0357 (20)      Claim of **Nationwide Insurance**, as subrogee of **Tina and Homer Ridley**, for damages alleged to have been sustained as a result of an automobile accident on July 9, 2009 at 820 James Jackson Parkway, NW.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0358 (21)      Claim of **Belinda Morris**, for property damages alleged to have been sustained from an automobile accident on April 24, 2009 at Joseph E. Lowery Boulevard and Joseph E. Boone Boulevard.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0359 (22)      Claim of **Craig Pickett and his unnamed minor child**, through their attorney, **Nicole Jones, Esq., Jones Federal & Appellate, LLC**, for damages alleged to have been sustained from an unlawful arrest on August 15, 2008 at Atlantic Station.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0360 (23)      Claim of **William Moore**, through his attorney, **Michael Rosenbloum, Zevin & Rosenbloum, PC**, for bodily injuries alleged to have been sustained from a slip-and-fall incident on October 3, 2009 at Hartsfield-Jackson International Airport, 8700 Spine Road.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0361 (24)      Claim of **Kathleen Van Fleet**, for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE and Westminster Drive, NE.  
**ADVERSE ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0362 (25) Claim of **Kristina Rudski Murphy**, for bodily injuries alleged to have been sustained from a slip and fall incident on May 9, 2009 at 70 Boulevard, NE, MLK North Natatorium.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0363 (26) Claim of **Lenore G. Conroy**, for damages alleged to have been sustained as a result of an automobile accident on December 1, 2009 at 1200 Howell Mill Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0364 (27) Claim of **Joseph G. Haser**, for damages alleged to have been sustained as a result of a sewer backup on January 8, 2009 at 3733 Peachtree Road, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0365 (28) Claim of **Delores Lundy**, for damages alleged to have been sustained as a result of a vehicular accident at 651 14<sup>th</sup> Street on May 29, 2009.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0366 (29) Claim of **Jodi Gibson**, for damages alleged to have been sustained as a result of striking metal plates on October 22, 2009 at 2221 Peachtree Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0367 (30) Claim of **USAA, as subrogee of James Rosenfeld**, for damages alleged to have been sustained as a result of striking a damaged curb on October 3, 2009 at 1264 Lavista Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0368 (31) Claim of **James Rosenfeld**, for damages alleged to have been sustained as a result of striking a damaged curb on October 3, 2009 at 1264 Lavista Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0369 (32) Claim of **Tracy Ganesh**, for damages alleged to have been sustained when a court date was rescheduled on November 4, 2009 at 150 Garnett Street, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0370 (33) Claim of **Verizon Wireless c/o Joel A. Berry, CPA, J. Berry & Company**, for damages alleged to have been sustained from a real estate lease overpayment from October 2001 through April 2006 at 55 Trinity Street, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0371 (34) Claim of **Marvin Johnson**, for property damages alleged to have been sustained during a tree trimming project in December 2009 at 1392 Northwest Drive, NW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0372 (35) Claim of **Earl Wasserman**, for damages allegedly sustained as a result of driving over an unsecured metal plate on November 16, 2009 at 5600 Glenridge Drive, Sandy Springs.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0373 (36) Claim of **Centraarchy**, for damages alleged to have been sustained as a result of a power outage on August 24, 2009 at 1015 Crown Pointe Parkway.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0374 (37) Claim of **Emma Jean Raglin**, for damages alleged to have been sustained as a result of a sewer backup on August 24, 2009 at 1211 Tuckawanna Drive.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0375 (38) Claim of **Victoria B. Watson**, for damages alleged to have been sustained as a result of striking a tree limb protruding in the roadway on December 2, 2009 at 570 Lynhurst Drive, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0376 (39) Claim of **State Farm Insurance Companies**, as subrogee of **Todd D. Stephen**, for property damages alleged to have been sustained when a tree limb fell and struck a parked vehicle on October 16, 2009 at 665 Pylant Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0377 (40) Claim of **David T. Thompson**, for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on September 18, 2009 at 1215 Piedmont Avenue, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0378 (41) Claim of **Eric Gibbons**, through his attorney, **Sam Starks**, for damages alleged to have been sustained as a result of a sewer backup on July 12, 2008 at 3457 Dale Lane.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0379 (42) Claim of **Suzanne St. Paul**, for vehicular damages alleged to have been sustained when a construction sign was blown off on December 9, 2009 at 163 West Wieuca Road, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**Council President Ceasar C. Mitchell Presided**

**CONSENT AGENDA (CONT'D)**

**SECTION I (CONT'D)**

**RESOLUTIONS/ CLAIMS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (CONT'D)**  
**IVORY L. YOUNG, JR., CHAIR**

**Claims with unfavorable recommendations: (Cont'd)**

- 10-R-0380 (43) Claim of **Wendy M. Bell**, for bodily injuries alleged to have been sustained from a fall on an escalator on December 12, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0381 (44) Claim of **Dewayne Taylor and Russell Tucker**, for vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE and Westminster Drive, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0382 (45) Claim of **Glenn Murer**, for damages alleged to have been sustained as a result of a water meter leak on November 24, 2008 at 2095, 2097 and 2099 Liddell Drive.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0383 (46) Claim of **State Farm Insurance Companies, as subrogee of Christopher Vaky**, for damages alleged to have been sustained as a result of an automobile accident on November 7, 2009 at Peachtree Road, NE and West Paces Ferry Road, NE.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0384 (47) Claim of **Vicki V. Knox, through her attorney, James H. Wall, Esq., C. David Joyner, PC**, for damages alleged to have been sustained from an arrest on August 24, 2008 at 1129 Avon Avenue, SW.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-R-0385 (48) Claim of **The Hartford, as subrogee of Dorothy Moore**, for bodily injuries alleged to have been sustained due to a fall on February 17, 2009 at 77 Forsyth Street.  
**ADVERSED ON CONSENT BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

# **CONSENT AGENDA SECTION II**

Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA**

**SECTION II**

**ORDINANCES FOR FIRST READING**

**FINANCE/ EXECUTIVE COMMITTEE**  
**YOLANDA ADREAN, CHAIR**

**All items on Consent Agenda II (1 through 06 as follows) were Referred to the appropriate committees as a collective vote.**

- 10-O-0410 (1) An Ordinance by **Finance/ Executive Committee** to amend the Fiscal Year 2010 Budget by adding to anticipations and appropriations in the amount of \_\_\_\_\_ for a donation received from \_\_\_\_\_ to fund Census Outreach efforts within the City of Atlanta; and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**  
**JOYCE SHEPERD, CHAIR**

- 10-O-0329 (2) An Ordinance by **Community Development/ Human Resources Committee** for final action on a request for the issuance of a Cemetery Disturbance Permit for property located at 431 Pharr Road; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**
- 10-O-0330 (3) An Ordinance by **Community Development/ Human Resources Committee** amending the 2010 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations in the amount of \$624,849.00 to increase the budget amount authorized by the U.S. Department of Housing and Urban Development ("HUD") for the City of Atlanta's Section 8 Moderate Rehabilitation Program for Santa Fe Villa Apartments; and for other purposes.  
**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**



Council President Ceasar C. Mitchell Presided

**CONSENT AGENDA (CONT'D)**

**SECTION II (CONT'D)**

**ORDINANCES FOR FIRST READING (CONT'D)**

**COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (CONT'D)**  
**JOYCE SHEPERD, CHAIR**

10-O-0331 (4) An Ordinance by **Community Development/ Human Resources Committee** authorizing the Mayor, on behalf of the Department of Planning and Community Development, Bureau of Housing, to enter into a Housing Assistance Payments ("HAP") contract with the Urban Residential Development Corporation ("URDC") in the amount not to exceed \$538,725.00 in order to pay rental unit subsidies on one hundred (100) units for formerly homeless individuals at the Santa Fe Villas Apartment Complex pursuant to the Section 8 Moderate Rehabilitation Program sponsored by the U.S. Department of Housing and Urban Development ("HUD"); to ratify rental services rendered by URDC between January 1, 2010 and the execution date of the agreement authorized herein; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-O-0408 (5) An Ordinance by **Community Development/ Human Resources Committee** amending the City of Atlanta Code of Ordinances Section 110-3, Subsection (a)(5), to add a Salary Surcharge to events held during non-operating hours at the Atlanta Cyclorama Museum to cover personnel costs of employees staffing such events; and amending Section 110-3 Subsection (c) to authorize the Director of the Office of Cultural Affairs or her/ his designee to offer discounted admission fees for Cyclorama in predetermined times or circumstances, where said discount does not exceed two dollars (\$2.00); and to change the fee structure for admission to the Cyclorama Museum; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

10-O-0409 (6) An Ordinance by **Community Development/ Human Resources Committee** amending the 2008 Annual Action Plan of the 2005-2009 City of Atlanta Local Consolidated Plan to amend the Neighborhood Stabilization Program Budget by transferring to and from various eligible activities; to amend the definition of affordable rents in the Plan; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

# **COMMITTEE REPORTS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS**

**TRANSPORTATION COMMITTEE (1)**

**KEISHA LANCE BOTTOMS, VICE-CHAIR**

Attendance at the February 24, 2010 meeting of the Transportation Committee was as follows:

Present: Councilmembers Bottoms (Vice-Chair), Moore, Smith, Archibong and Willis

Absent: Councilmembers Martin and Bond

**ORDINANCE FOR SECOND READING**

10-O-0281 (1) A **Substitute** Ordinance by **Transportation Committee**, on behalf of the Department of Public Works, for the purpose of amending Chapter 162 (Entitled "Vehicles for Hire"), at Article IV (Entitled "Wreckers and Towing Services"), Section 162-234, in order to permit the towing of parked vehicles in violation of Chapter 150 (Entitled "Traffic and Vehicles"); and for other purposes.

**ADOPTED SUBSTITUTE BY A ROLL CALL VOTE OF 11 YEAS;  
0 NAYS**

### 3/1/10 Action Minutes

Council President Ceasar C. Mitchell Presided

#### **COMMITTEE REPORTS (CONT'D)**

##### **ZONING COMMITTEE (1)**

###### **AARON WATSON, CHAIR**

Attendance at the February 24, 2010 meeting of the Zoning Committee was as follows:

Present: Councilmembers Watson (Chair), Winslow, Shook, Young and Smith

Absent: Councilmember Bottoms

#### **ZONING REVIEW BOARD SUMMARY REPORT**

10-O-0047 (1) An Ordinance by **Zoning Committee** to rezone property from R-4  
Z-09-47 (Single Family Residential) to C-1 (Community Business),  
property located at **1746 Defoor Avenue (aka 1748 Defoor), N.W.** fronting approximately 50 feet on the south side of Defoor Avenue at the northeast intersection of Defoor Avenue and Defoor Place. Depth: approximately 163.90 feet. Area: approximately 0.191 acres; Land Lot 187, 17<sup>th</sup> District, Fulton County, Georgia. Owner: Stewart Gibson. Applicant: David N. Hauseman. NPU-D Council District 9.

**ADVERSE BY A ROLL CALL VOTE OF 11 YEAS; 0 NAYS**

**The following ordinances (2 through 03 as follows) were taken as a collective vote.**

10-O-0206 (2) An Ordinance by **Zoning Committee** to rezone from the RG-3-C  
Z-09-58 (Residential General Sector-3-Conditional) and R4A (Single Family Residential) to the C-1 (Community Business) District, property located at **1828 and 1836 Memorial Drive, S.E.**, fronting approximately 208.5 feet on the north side of Memorial Drive and at the southwest intersection of Memorial Drive and Dearborn Street. Depth: approximately 194.92 feet. Area: approximately 0.91 acres; Land Lot 206, 15<sup>th</sup> District, DeKalb County, Georgia. Applicant: FD/ Holdings/ Memorial Drive, LLC and Don B. Moody. Owner Evelyn G. Barber. NPU-O Council District 5.

**FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

10-O-0044 (3) An Ordinance by **Councilmember Aaron Watson** to rezone  
Z-09-32 property from the R-5 (Single Family Residential) District to the MR-3 (Multi-Family Residential) District, property located at **100 Hutchinson Street, NE**, fronting approximately 141 feet on the east side of Hutchinson Street beginning 21.23 feet from the southeast corner of LaFrance Street. Depth: approximately 54 feet. Area: 0.192 acre; Land Lot 209, 15<sup>th</sup> District, DeKalb County, Georgia. Owner: Steven Scott West. Applicant: Steven Scott West. NPU-O Council District 5.

**FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (2)**

**AARON WATSON, CHAIR**

**ORDINANCES FOR SECOND READING**

10-O-0030 (1) An Ordinance by **Councilmember Aaron Watson** to rezone  
Z-09-36 property having a street address or Tax Parcel Identification  
Number (as applicable) of 17-0183-LL-143-2, 1100 Moores Mill  
Road, 1110 Moores Mill Road, 17-0183-LL-172, 17-0183-LL-171,  
1120 Moores Mill Road, 1124 Moores Mill Road, 1128 Moores Mill  
Road, 17-083-LL-097-0, 1150 Moores Mill Road, 1160 Moores  
Mill Road, 1164 Moores Mill Road, 1168 Moores Mill Road, 958  
Nawench Drive, 970 Nawench Drive, 980 Nawench Drive, 1000  
Nawench Drive, 1014 Nawench Drive, 1028 Nawench Drive, 1042  
Nawench Drive, 1058 Nawench Drive, 1078 Nawench Drive, 1090  
Nawench Drive, 1089 Nawench Drive, 1075 Nawench Drive, 1055  
Nawench Drive, 1045 Nawench Drive, 1035 Nawench Drive, 1025  
Nawench Drive, 1015 Nawench Drive, 1011 Nawench Drive, and  
997 Nawench Drive, from R-3 (Single-Family Residential) to R-2B  
(Single-Family Residential); and for other purposes. (**Referred back  
by Council 2/15/10**)

**ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

10-O-0324 (2) An Ordinance by **Zoning Committee** to amend Ordinance U-  
U-79-12 79-12, as adopted by the City Council on November 2, 2009 and  
approved by the Mayor on November 6, 2009, for the purpose of  
approving a Transfer of Ownership for a Special Use Permit for a  
Day Care Center for property located at **2062 Childress Drive,  
SW**; and for other purposes.

**ADOPTED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (3)**

**AARON WATSON, CHAIR**

**ORDINANCES FOR FIRST READING**

**All items for First Reading (1 through 04 as follows) were Referred to the Zoning Review Board and Zoning committee as a collective vote.**

10-O-0336 (1)  
Z-10-02      An Ordinance by **Zoning Committee** to rezone from the RG-2 (Residential General-Sector 2) District to the RG-3 (Residential General-Sector 3) District, property located at **1017 Westview Drive, SW**, fronting approximately 328 feet on the northeasterly side of Westview Drive and approximately 275 feet on the east side of Agnes Jones Place and approximately 416.40 feet on the west side of Abbott Street.

Depth:       Varies  
Area:         3.48 Acres  
Land Lot:     116, 14<sup>th</sup> District, Fulton County, Georgia  
Applicant:   Rex Bray  
Owner:       Columbia Plaza 1, LP  
NPU-T        Council District 4

**REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

10-O-0337 (2)  
U-10-07      An Ordinance by **Zoning Committee** granting a Special Use Permit pursuant to Section 16-05.005 (l) (c) for a Church, property located at **4400 Peachtree Dunwoody Road, NE**, fronting approximately 431 feet on the west side of Peachtree Dunwoody Road and approximately 714 feet on the north side of Lolidans Drive and at the northwestern intersection of Peachtree Dunwoody and Lolidans Drive.

Depth:       Varies  
Area:         07.99 Acres  
Land Lot:     42, 17<sup>th</sup> District, Fulton County, Georgia  
Applicant:   Leslee C. Evans  
Owner:       Emory Boyd, Chair of Trustee Board/ St. James United Methodist Church  
NPU-B        Council District 7

**REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**ZONING COMMITTEE (4)**

**AARON WATSON, CHAIR**

**ORDINANCES FOR FIRST READING (CONT'D)**

10-O-0404 (3) An Ordinance by **Zoning Committee** granting a Special Use  
U-10-05 Permit pursuant to Section 16-06.005 (l) (g) for a Day Care Center, property located at **1777 Marvin Street, NW**, fronting approximately 50 feet on the east side of Marvin Street beginning approximately 300 feet from the southeast corner of Marvin Street and Harper Street.

Depth: Approximately 250 Feet  
Area: 0.286 Acre  
Land Lot: 187, 17<sup>th</sup> District, Fulton County, Georgia  
Applicant: Heather Wolf  
Owner: Alexander G. Wolf  
NPU-D Council District 9

**REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

10-O-0405 (4) An Ordinance by **Zoning Committee** granting a Special Use  
U-10-06 Permit pursuant to Section 16-12.005 (l) (e) for a Broadcasting Towers and Line-Of-Site Relay Devices for Telephonic, Radio or Television Communications, property located at **949 Confederate Avenue, SE**, fronting approximately 50 feet on the southwest side of Confederate Avenue at the CSX Railway.

Depth: Varies  
Area: 0.59 Acre  
Land Lot: 23, 14<sup>th</sup> District, Fulton County, Georgia  
Applicant: T-Mobile South, LLC c/ o Lannie Greene  
Owner: Crown Castle c/ o Paul Rehm  
NPU-W Council District 1

**REFERRED TO ZONING REVIEW BOARD AND ZONING COMMITTEE BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**FINANCE/ EXECUTIVE COMMITTEE (1)**  
**YOLANDA ADREAN, CHAIR**

Attendance at the February 24, 2010 meeting of the Finance/Executive Committee was as follows:

Present: Councilmembers Adrean (Chair), Moore, Wan, Watson, Shook and Willis

Absent: Councilmember Martin

**COMMUNICATION**

10-C-0054 (1) A Communication by **City Auditor Leslie Ward** to the Atlanta City Council submitting a Performance Audit Report for Indirect Cost Allocation.  
**FILED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

**ORDINANCES FOR SECOND READING**

10-O-0288 (1) An Ordinance by **Finance/Executive Committee** to amend Article "V" Classification Plan Section 114-477, of the Code of Ordinances, so as to provide above entry hiring authorization in the Department of Watershed Management; and for other purposes.  
**FILED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

10-O-0313 (2) An Ordinance by **Councilmembers Howard Shook and Felicia A. Moore** amending the Charter of the City of Atlanta adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965 (GA. Laws 1965, p. 298, et seq.) as amended, to amend Section 2-301, Chapter 3, Article 2, entitled "Organizational Meeting; Oath of Office; Mandatory Training" of the Charter of the City of Atlanta, Georgia (GA. Laws 1996, p. 4469, et seq.) so as to provide that the Oath of Office for City of Atlanta Elected Officials set out at Charter Section 2-301 (b) shall be revised; to repeal conflicting Ordinances and Charter Amendments; and for other purposes.  
**ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS FOR 3<sup>RD</sup> READING/ FINAL ADOPTION**



Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**COMMITTEE ON COUNCIL (1)**

**FELICIA A. MOORE, CHAIR**

Attendance at the March 01, 2010 meeting of the Committee on Council was as follows:

Present: Councilmembers Moore (Chair), Wan, Sheperd, Hall and Winslow

Absent: Councilmember Bond

**COMMUNICATIONS**

**The following communications (1 through 02 as follows) were taken as a collective vote.**

10-C-0151 (1) A Communication from **Andy Schneggenburger, Executive Director, Atlanta Housing Association of Neighborhood-Based Developers (AHAND) to Municipal Clerk Rhonda Dauphin Johnson**, jointly with the Atlanta Neighborhood Development Partnership (ANDP), appointing Mr. Pete Hayley to serve as their representative on the BeltLine Tax Allocation District (TAD) Affordable Housing Advisory Board. This appointment is for a term of two (2) years, retroactive to May 01, 2009 and expires April 30, 2011. (Favorable by CD/HR Committee 2/09/10; Held 2/15/10 by the Committee pending receipt of a resume' from the appointee.)

**CONFIRMED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

10-C-0328 (2) A Communication by **Councilmember H. Lamar Willis** appointing Mr. Edward M. Gilgor to serve as a member of the Keep Atlanta Beautiful Board. This appointment is for a term of two (2) years, scheduled to begin on the date of Council confirmation. (Favorable by City Utilities Committee 2/23/10.)

**CONFIRMED BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

**ORDINANCE FOR FIRST READING**

10-O-0495 (1) An Ordinance by **Committee on Council** to amend Section 2-1852 of the Code of Ordinances of the City of Atlanta, Georgia which sets forth the procedure for the appointment by the Full Council of individuals or councilmembers to boards, commissions and authorities so as to provide that by two-thirds vote of the total membership of the Council, the procedure set forth in Section 2-1852, may be waived so as to allow the Council to consider such an appointment at the same meeting at which it is introduced, sounded or announced; to waive conflicting ordinances; and for other purposes.

**REFERRED TO COMMITTEE ON COUNCIL BY A ROLL CALL VOTE OF 12 YEAS; 0 NAYS**

Council President Ceasar C. Mitchell Presided

**COMMITTEE REPORTS (CONT'D)**

**CITY UTILITIES COMMITTEE (1)**

**NATALYN M. ARCHIBONG, CHAIR**

Attendance at the February 23, 2010 meeting of the City Utilities Committee was as follows:

Present: Councilmembers Archibong (Chair), Hall, Shook, Watson, Adrean and Smith

Absent: None

**ORDINANCE FOR SECOND READING**

10-O-0232 (1) An Ordinance by **City Utilities Committee** authorizing the Chief Financial Officer to amend the FY 2010 (2009A Water and Wastewater Bond Fund – 5066) Budget in the amount of \$4,810,810.00 to transfer funds from the Capital Projects Reserve (5066) for Appropriations and to add to appropriation funds for the Water & Hydrant Assessment Project; and for other purposes.  
**ADOPTED BY A ROLL CALL VOTE OF 13 YEAS; 0 NAYS**

**PAPER HELD IN COMMITTEE**

10-O-0058 (1) An Ordinance by **City Utilities Committee** to amend Article VII of Chapter 74 entitled “Riparian Buffer Requirements” (§74-300 et seq.); to identify the administering department as Watershed Management; to comply with the requirements of the Metropolitan North Georgia Water Planning District Act; to streamline the review process and clarify the public notice requirements; and for other purposes. (Held 1/26/10 for further review)

**Councilmember Adrean made a Motion to enter Committee of the Whole to discuss Ordinance 10-O-0058. It was Seconded by Councilmember Moore and after a brief discussion, the Motion CARRIED by a roll call vote of 13 yeas; 0 nays. Council entered Committee of the Whole.**

***COMMITTEE OF THE WHOLE***

**In Committee of the Whole, Chairperson Archibong sounded the caption to Ordinance 10-O-0058 and offered a Substitute. Following, Ms. Archibong made the Motion to Accept and Hold the Substitute in Committee. It was properly Seconded and the Motion CARRIED by a roll call vote of 14 yeas; 0 nays. Thereafter, a Motion to re-enter Regular Session was moved, properly Seconded, and CARRIED by a roll call vote of 14 yeas; 0 nays. Council then re-entered Regular Session.**

**HELD SUBSTITUTE IN COMMITTEE BY A ROLL CALL VOTE OF 14 YEAS; 0 NAYS**

### **3/1/10 Action Minutes**

**Council President Pro Tempore Howard Shook Presided**

#### **COMMITTEE REPORTS (CONT'D)**

##### **COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE (1)**

###### **JOYCE SHEPERD, CHAIR**

Attendance at the February 23, 2010 meeting of the Community Development/Human Resources Committee was as follows:

Present: Councilmembers Sheperd (Chair), Wan, Young, Hall and Winslow

Absent: Councilmember Bond

**The Standing Committee of Community Development/ Human Resources did not have a report.**

**Council President Ceasar C. Mitchell Presided**

**COMMITTEE REPORTS (CONT'D)**

**PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE (1)**

**IVORY L. YOUNG, JR., CHAIR**

Attendance at the February 23, 2010 meeting of the Public Safety and Legal Administration Committee was as follows:

Present: Councilmembers Young (Chair), Willis, Adrean, Bottoms, Sheperd and Archibong

Absent: Councilmember Martin

**The Standing Committee of Public Safety and Legal Administration did not have a report.**

# **PERSONAL PAPERS**

### 3/1/10 Action Minutes

Council President Pro Tempore Howard Shook Presided

#### PERSONAL PAPERS

#### ORDINANCES/ REFERRED

- 10-O-0498 (1) An Ordinance by **Councilmember Natalyn M. Archibong** to amend Chapter 2 (Administration), Article II (Council), Division 2 (Meetings), Subdivision II (Rules of Procedure) Section 2-99.1 (Motion to Hold in the Breast of Council) of the Code of Ordinances of the City of Atlanta, Georgia, so as to provide more flexibility to the Council with respect to the length of time that an item can remain Tabled; to waive conflicting ordinances; and for other purposes.

**REFERRED TO COMMITTEE ON COUNCIL WITHOUT OBJECTION**

- 10-O-0499 (2) An Ordinance by **Councilmember Felicia A. Moore** to create the Manor at Scott's Crossing Housing Urban Enterprise Zone (Phase I), located at **1671 James Jackson Parkway**, City Council District 9, City of Atlanta, Land Lots 086-0 and 076-1, of the 17<sup>th</sup> District, Parcel Numbers 17-025-LL-086-0 and 17-0251-LL076-1, as identified in Exhibit "A" attached hereto; to provide notification to affected governmental entities; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

- 10-O-0500 (3) An Ordinance by **Councilmember Felicia A. Moore** authorizing the Mayor to accept and execute an agreement between the City of Atlanta and Perry Homes Redevelopment, LLC allowing the erection of neighborhood signs within certain rights-of-way; and for other purposes.

**REFERRED TO CITY UTILITIES COMMITTEE WITHOUT OBJECTION**

- 10-O-0501 (4) An Ordinance by **Councilmember Alex Wan** authorizing the Mayor, on behalf of the City, to accept a grant in the amount of Three Hundred Thousand Dollars (\$300,000) from the Georgia Department of Natural Resources, Environmental Protection Division, for the purpose of reimbursing the Piedmont Park Conservancy for a portion of its costs in implementing the creek restoration components of the Piedmont Park Master Plan; and for other purposes.

**REFERRED TO COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE WITHOUT OBJECTION**

Council President Pro Tempore Howard Shook Presided

**PERSONAL PAPERS (CONT'D)**

**ORDINANCES/ REFERRED (CONT'D)**

- 10-O-0502 ( 5)      An Ordinance by **Councilmember Kwanza Hall** authorizing the Mayor to transfer the property located at **695 Ponce de Leon Ave., N.E. also known as City Hall East** to the Atlanta Development Authority; to authorize the transfer of the contracts associated with the property; to authorize the Mayor to execute a quitclaim deed transferring the property to the Atlanta Development Authority upon the closing of the property; and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE WITHOUT OBJECTION**
- 10-O-0503 ( 6)      An Ordinance by **Councilmember Ivory Lee Young, Jr.** authorizing the lease/ purchase of the Atlanta Detention Center to Fulton County; authorizing the City Attorney to prepare the necessary documents to effectuate the approve terms; authorizing the Mayor to execute the necessary documents; and for other purposes.  
**REFERRED TO FINANCE/ EXECUTIVE COMMITTEE WITHOUT OBJECTION**

# **ADJOURNMENT**



**Council President Pro Tempore Howard Shook Presided**

**ADJOURNMENT**

There being no further business to discuss, the March 01, 2010 meeting of the Atlanta City Council was adjourned at 3:43 p.m.

**ADJOURNMENT ROLL CALL: Council President Ceasar C. Mitchell (E); Councilmembers Smith, Hall, Young, Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd, Watson and Willis (14); Councilmember Bond was excused (1).**